

Prior law provided for the creation, powers and duties of the New Orleans Regional Business Park with a 15-member board of commissioners who are legal residents of the state.

New law reduces the board of commissioners to 12 members who are qualified voters in Louisiana and provides for their appointment as follows:

- (1) One member appointed by the New Orleans Chamber of Commerce.
- (2) One member appointed by the state representative from District 100.
- (3) One member appointed by the state representative from District 101.
- (4) One member appointed by the state representative from District 103.
- (5) Two members appointed by the state senator from District 2.
- (6) One member appointed by the councilperson representing the council district in which the New Orleans Regional Business Park is located.
- (7) Three members appointed by the mayor of the city of New Orleans.
- (8) One member appointed by the secretary of the Department of Economic Development.
- (9) One member appointed by the board of commissioners of the Port of New Orleans.

Prior law provided that in the event an appointing authority fails to make an appointment within 60 days of notice to make the appointment, the mayor shall make the appointment.

New law provides that any vacancy shall be filled by the nominating entity within 60 days of receipt of written notification of the vacancy. Provides that if the entity fails to make the appointment, the board shall make the appointment. Provides that if the board fails to make the appointment within 60 days, the mayor shall make the appointment. Provides that such appointment may be replaced at any time by the nominating entity.

New law provides that any member who has unexcused absences for 50% or more of the meetings, regular and special, of the board in any calendar year shall be disqualified and removed automatically from office and that person's position shall be vacant, as of the first day of the succeeding calendar year. Such vacated position shall be filled by the respective nominating entity for the balance of the vacated term. The former member shall not be eligible for reappointment until expiration of the balance of the vacated term.

Prior law provided that any member of the board appointed may be removed by his respective appointing authority.

New law retains prior law and further provides that such removed may be at any time, with or without cause.

Prior law provided that the board of commissioners may also select one person as president and three people as vice presidents to be in charge of marketing, operations, and finance respectively, who shall not be members of the board, but who shall be legal Louisiana residents.

New law provides instead that the board may select an executive director and three directors to be in charge of marketing, operations, and finance respectively, who shall not be members of the board, but who shall be qualified voters and Louisiana residents.

Prior law authorized the executive director, with the concurrence of the board of the district, to hire staff and other necessary personnel as necessary. New law retains prior law.

Prior law provided that the board of the district shall prepare, or cause to be prepared a plan or plans, specifying the public improvements, projects, facilities, and services proposed to be furnished, provided, constructed or acquired, for the district, and it shall conduct such public hearings, publish such notice with respect thereto and disseminate such information as necessary. Prior law provided for the content of the plan and the process for its adoption. New law deletes prior law.

Prior law authorized the board to levy and collect ad valorem taxes for a term not to exceed 50 years. New law retains prior law.

Prior law authorized the board to incur indebtedness for and on behalf of the district and to issue negotiable bonds, notes and other evidence of indebtedness. Provided that the principal amount of bonds which may be outstanding and unpaid at any one time in the district shall never exceed the sum of \$50,000,000. New law deletes prior law limit of \$50,000,000.

Prior law provided that the Board of Liquidation, City Debt, as organized and created, and with the powers, duties and functions prescribed by existing laws, shall be continued so long as any bonds authorized under prior law are outstanding and unpaid. New law deletes prior law.

Prior law provided that the district may acquire, purchase, lease as lessee and hold and use any property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the district, and to sell, lease as lessor, transfer, or dispose of any property or interest therein acquired by it.

New law retains prior law and provides that the district may also transfer or convey any property or interest acquired by it.

New law provides that the district may lease or sublease, as lessor or lessee or sublessor or subleasee, all or portion of any property at a fixed or variable rental without advertisement for public bids.

New law retains prior law provisions authorizing the district to do the following:

- (1) Acquire facilities.
- (2) Enter into agreements.
- (3) Enter contracts.
- (4) Let contracts for construction or acquisition.
- (5) Fix rental rates.
- (6) Cooperate with state or federal government or any other political subdivision or department or agency on projects or to accept gifts, grants and donations therefrom.
- (7) Issue refunding bonds.
- (8) Report quarterly to the mayor and city council.

New law authorizes the district to do the following:

- (1) In its own name and behalf, to incur debt, and to issue general obligation bonds for the establishment, operation, and maintenance of district property as an industrial park or to carry out the other public purposes without election, to issue revenue bonds, borrow money, and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof and provide for the manner and method of repayment.
- (2) To require and issue licenses, to regulate the imposition of fees and rentals charged by the district for services rendered by it or fees or rentals charged for use of privately-owned facilities located on district property when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.
- (3) To develop, activate, construct, exchange, acquire, expropriate, improve, repair, operate, maintain, lease, mortgage, sell, and pledge movable and immovable property, servitudes, facilities, and works under such terms and conditions as the district may deem necessary or appropriate for any public purpose, including industrial and commercial development.
- (4) To incur debt for any one or more of its lawful purposes, to issue in its name negotiable bonds, notes, certificates of indebtedness, or other evidences of debt and to provide for the security and payment thereof.
- (5) To borrow the amount of the anticipated ad valorem tax the district is authorized to levy here under, not to exceed ten mills, for a period not to exceed 20 years and may issue certificates of indebtedness therefor and may dedicate the avails of the tax for the payment thereof for the period of time the certificates are outstanding.
- (6) To appoint officers, agents, and employees and prescribe their duties and fix their compensation which shall be payable out of district funds.

- (7) To use or allow the use of any facilities, land and improvements within the district owned or leased by the district for any lawful purpose.
- (8) Shall be the appropriate governing body for all purposes provided in the Louisiana Enterprise Zone Act, within the area comprised of property owned and formerly owned by the district, and shall have the power to perform all acts specified by applicable laws and regulations to achieve such purpose.

New law provides that for a period of 30 days from the date of publication of any resolution or ordinance authorizing the issuance of any bonds, certificates of indebtedness, notes, or other evidence of debt of the district, any interested person may contest the legality of such resolution or ordinance and the validity of such bonds, certificates of indebtedness, notes, or other evidence of debt issued or proposed to be issued and the security of their payment, after which time no one shall have any cause of action to contest the legality of the resolution or ordinance or to draw in question the legality of the bonds, certificates of indebtedness, notes, or other evidence of debt, the security therefor, or the debts represented thereby for any cause. Provides that it shall be conclusively presumed that every legal requirement has been complied with, and that no court shall have authority to inquire into such matters after the lapse of 30 days.

New law provides that the issuance and sale of such bonds, certificates of indebtedness, notes, or other evidence of debt by the district shall be subject to approval by the State Bond Commission.

Effective June 29, 2010.

(Amends R.S. 33:4701(A), 4702(B)(1), (2), (4) and (6)(b), (C), (E), (F), (G), 4703(A) and (C), and 4706(A) and (B); adds R.S. 33:4701(C), 4702(B)(3) and (D), and 4706(C) and (D); repeals R.S. 33:4702(H), (I) and (J))